

**As Introduced**

**130th General Assembly  
Regular Session  
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**H. B. No. 2**

**Representatives Derickson, Brown**

—

**A B I L L**

To amend section 4141.29 of the Revised Code to 1  
require an unemployment compensation claimant to 2  
register with OhioMeansJobs to be eligible for 3  
unemployment compensation benefits and to require 4  
a claimant to contact a local one-stop office 5  
beginning with the eighth week of filing for 6  
unemployment compensation benefits. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4141.29 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 4141.29.** Each eligible individual shall receive benefits 10  
as compensation for loss of remuneration due to involuntary total 11  
or partial unemployment in the amounts and subject to the 12  
conditions stipulated in this chapter. 13

(A) No individual is entitled to a waiting period or benefits 14  
for any week unless the individual: 15

(1) Has filed a valid application for determination of 16  
benefit rights in accordance with section 4141.28 of the Revised 17  
Code; 18

(2) Has made a claim for benefits in accordance with section 19

4141.28 of the Revised Code; 20

(3) Has registered at an employment office or other 21  
registration place maintained or designated by the director of job 22  
and family services. Registration shall be made in accordance with 23  
the time limits, frequency, and manner prescribed by the director. 24

(4)(a)(i) Is able to work and available for suitable work 25  
and, except as provided in division (A)(4)(a)(ii) of this section, 26  
is actively seeking suitable work either in a locality in which 27  
the individual has earned wages subject to this chapter during the 28  
individual's base period, or if the individual leaves that 29  
locality, then in a locality where suitable work normally is 30  
performed. 31

(ii) The director may waive the requirement that a claimant 32  
be actively seeking work when the director finds that the 33  
individual has been laid off and the employer who laid the 34  
individual off has notified the director within ten days after the 35  
layoff, that work is expected to be available for the individual 36  
within a specified number of days not to exceed forty-five 37  
calendar days following the last day the individual worked. In the 38  
event the individual is not recalled within the specified period, 39  
this waiver shall cease to be operative with respect to that 40  
layoff. 41

(b) The individual shall be instructed as to the efforts that 42  
the individual must make in the search for suitable work, 43  
including that the individual shall register with OhioMeansJobs 44  
through its web site maintained on the internet, except where the 45  
active search for work requirement has been waived under division 46  
(A)(4)(a) of this section, ~~and~~. An individual who is registered on 47  
the OhioMeansJobs web site shall receive a weekly listing of 48  
available jobs based on information provided by the individual at 49  
the time of registration. For each week that the individual claims 50  
benefits, the individual shall keep a record of ~~where and when~~ the 51

~~individual has sought individual's work in complying with those~~ 52  
~~instructions search efforts and, upon request,~~ shall produce that 53  
~~record for examination by~~ in the manner and means prescribed by 54  
the director. As used in division (A)(4)(b) of this section, 55  
"OhioMeansJobs" means the electronic job placement system operated 56  
by the state. 57

(c) An individual who is attending a training course approved 58  
by the director meets the requirement of this division, if 59  
attendance was recommended by the director and the individual is 60  
regularly attending the course and is making satisfactory 61  
progress. An individual also meets the requirements of this 62  
division if the individual is participating and advancing in a 63  
training program, as defined in division (P) of section 5709.61 of 64  
the Revised Code, and if an enterprise, defined in division (B) of 65  
section 5709.61 of the Revised Code, is paying all or part of the 66  
cost of the individual's participation in the training program 67  
with the intention of hiring the individual for employment as a 68  
new employee, as defined in division (L) of section 5709.61 of the 69  
Revised Code, for at least ninety days after the individual's 70  
completion of the training program. 71

(d) An individual who becomes unemployed while attending a 72  
regularly established school and whose base period qualifying 73  
weeks were earned in whole or in part while attending that school, 74  
meets the availability and active search for work requirements of 75  
division (A)(4)(a) of this section if the individual regularly 76  
attends the school during weeks with respect to which the 77  
individual claims unemployment benefits and makes self available 78  
on any shift of hours for suitable employment with the 79  
individual's most recent employer or any other employer in the 80  
individual's base period, or for any other suitable employment to 81  
which the individual is directed, under this chapter. 82

(e) Within six months after the effective date of this 83

amendment, notwithstanding any earlier contact an individual may 84  
have had with a local one-stop county office as described in 85  
section 6301.08 of the Revised Code, beginning with the week in 86  
which an individual files the individual's eighth consecutive 87  
claim for benefits in the individual's benefit year, the 88  
individual shall contact a local one-stop county office for 89  
additional employment services and assistance as the director 90  
considers appropriate. 91

(f) The director shall adopt any rules that the director 92  
deems necessary for the administration of division (A)(4) of this 93  
section. 94

~~(f)~~(g) Notwithstanding any other provisions of this section, 95  
no otherwise eligible individual shall be denied benefits for any 96  
week because the individual is in training approved under section 97  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 98  
2296, nor shall that individual be denied benefits by reason of 99  
leaving work to enter such training, provided the work left is not 100  
suitable employment, or because of the application to any week in 101  
training of provisions in this chapter, or any applicable federal 102  
unemployment compensation law, relating to availability for work, 103  
active search for work, or refusal to accept work. 104

For the purposes of division (A)(4)~~(f)~~(g) of this section, 105  
"suitable employment" means with respect to an individual, work of 106  
a substantially equal or higher skill level than the individual's 107  
past adversely affected employment, as defined for the purposes of 108  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 109  
wages for such work at not less than eighty per cent of the 110  
individual's average weekly wage as determined for the purposes of 111  
that federal act. 112

(5) Is unable to obtain suitable work. An individual who is 113  
provided temporary work assignments by the individual's employer 114  
under agreed terms and conditions of employment, and who is 115

required pursuant to those terms and conditions to inquire with 116  
the individual's employer for available work assignments upon the 117  
conclusion of each work assignment, is not considered unable to 118  
obtain suitable employment if suitable work assignments are 119  
available with the employer but the individual fails to contact 120  
the employer to inquire about work assignments. 121

(6) Participates in reemployment services, such as job search 122  
assistance services, if the individual has been determined to be 123  
likely to exhaust benefits under this chapter, including 124  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 125  
extended compensation, and needs reemployment services pursuant to 126  
the profiling system established by the director under division 127  
(K) of this section, unless the director determines that: 128

(a) The individual has completed such services; or 129

(b) There is justifiable cause for the claimant's failure to 130  
participate in such services. 131

(B) An individual suffering total or partial unemployment is 132  
eligible for benefits for unemployment occurring subsequent to a 133  
waiting period of one week and no benefits shall be payable during 134  
this required waiting period. Not more than one week of waiting 135  
period shall be required of any individual in any benefit year in 136  
order to establish the individual's eligibility for total or 137  
partial unemployment benefits. 138

(C) The waiting period for total or partial unemployment 139  
shall commence on the first day of the first week with respect to 140  
which the individual first files a claim for benefits at an 141  
employment office or other place of registration maintained or 142  
designated by the director or on the first day of the first week 143  
with respect to which the individual has otherwise filed a claim 144  
for benefits in accordance with the rules of the department of job 145  
and family services, provided such claim is allowed by the 146

director. 147

(D) Notwithstanding division (A) of this section, no 148  
individual may serve a waiting period or be paid benefits under 149  
the following conditions: 150

(1) For any week with respect to which the director finds 151  
that: 152

(a) The individual's unemployment was due to a labor dispute 153  
other than a lockout at any factory, establishment, or other 154  
premises located in this or any other state and owned or operated 155  
by the employer by which the individual is or was last employed; 156  
and for so long as the individual's unemployment is due to such 157  
labor dispute. No individual shall be disqualified under this 158  
provision if either of the following applies: 159

(i) The individual's employment was with such employer at any 160  
factory, establishment, or premises located in this state, owned 161  
or operated by such employer, other than the factory, 162  
establishment, or premises at which the labor dispute exists, if 163  
it is shown that the individual is not financing, participating 164  
in, or directly interested in such labor dispute; 165

(ii) The individual's employment was with an employer not 166  
involved in the labor dispute but whose place of business was 167  
located within the same premises as the employer engaged in the 168  
dispute, unless the individual's employer is a wholly owned 169  
subsidiary of the employer engaged in the dispute, or unless the 170  
individual actively participates in or voluntarily stops work 171  
because of such dispute. If it is established that the claimant 172  
was laid off for an indefinite period and not recalled to work 173  
prior to the dispute, or was separated by the employer prior to 174  
the dispute for reasons other than the labor dispute, or that the 175  
individual obtained a bona fide job with another employer while 176  
the dispute was still in progress, such labor dispute shall not 177

render the employee ineligible for benefits.	178
(b) The individual has been given a disciplinary layoff for misconduct in connection with the individual's work.	179 180
(2) For the duration of the individual's unemployment if the director finds that:	181 182
(a) The individual quit work without just cause or has been discharged for just cause in connection with the individual's work, provided division (D)(2) of this section does not apply to the separation of a person under any of the following circumstances:	183 184 185 186 187
(i) Separation from employment for the purpose of entering the armed forces of the United States if the individual is inducted into the armed forces within one of the following periods:	188 189 190 191
(I) Thirty days after separation;	192
(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.	193 194 195
(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;	196 197 198 199 200
(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or	201 202 203 204 205 206 207

other conditions of such concurrent employment were substantially 208  
less favorable than the individual's most recent employment and 209  
where such employment, if offered as new work, would be considered 210  
not suitable under the provisions of divisions (E) and (F) of this 211  
section. Any benefits that would otherwise be chargeable to the 212  
account of the employer from whom an individual has left 213  
employment or was separated from employment that was concurrent 214  
employment under conditions described in division (D)(2)(a)(iii) 215  
of this section, shall instead be charged to the mutualized 216  
account created by division (B) of section 4141.25 of the Revised 217  
Code, except that any benefits chargeable to the account of a 218  
reimbursing employer under division (D)(2)(a)(iii) of this section 219  
shall be charged to the account of the reimbursing employer and 220  
not to the mutualized account, except as provided in division 221  
(D)(2) of section 4141.24 of the Revised Code. 222

(iv) When an individual has been issued a definite layoff 223  
date by the individual's employer and before the layoff date, the 224  
individual quits to accept other employment, the provisions of 225  
division (D)(2)(a)(iii) of this section apply and no 226  
disqualification shall be imposed under division (D) of this 227  
section. However, if the individual fails to meet the employment 228  
and earnings requirements of division (A)(2) of section 4141.291 229  
of the Revised Code, then the individual, pursuant to division 230  
(A)(5) of this section, shall be ineligible for benefits for any 231  
week of unemployment that occurs prior to the layoff date. 232

(b) The individual has refused without good cause to accept 233  
an offer of suitable work when made by an employer either in 234  
person or to the individual's last known address, or has refused 235  
or failed to investigate a referral to suitable work when directed 236  
to do so by a local employment office of this state or another 237  
state, provided that this division shall not cause a 238  
disqualification for a waiting week or benefits under the 239

following circumstances:	240
(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or	241 242 243
(ii) When the individual is attending a training course pursuant to division (A)(4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B)(1)(b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.	244 245 246 247 248 249 250 251 252
(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.	253 254
(d) The individual became unemployed by reason of commitment to any correctional institution.	255 256
(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying weeks shall be excluded from the calculation of the maximum amount to be charged, under division (D) of section 4141.24 and section 4141.33 of the Revised Code, against the accounts of the individual's base period employers. In addition, no benefits shall thereafter be paid to the individual	257 258 259 260 261 262 263 264 265 266 267 268 269 270

based upon such excluded remuneration or noncredited qualifying 271  
weeks. 272

For purposes of division (D)(2)(e) of this section, 273  
"dishonesty" means the commission of substantive theft, fraud, or 274  
deceitful acts. 275

(E) No individual otherwise qualified to receive benefits 276  
shall lose the right to benefits by reason of a refusal to accept 277  
new work if: 278

(1) As a condition of being so employed the individual would 279  
be required to join a company union, or to resign from or refrain 280  
from joining any bona fide labor organization, or would be denied 281  
the right to retain membership in and observe the lawful rules of 282  
any such organization. 283

(2) The position offered is vacant due directly to a strike, 284  
lockout, or other labor dispute. 285

(3) The work is at an unreasonable distance from the 286  
individual's residence, having regard to the character of the work 287  
the individual has been accustomed to do, and travel to the place 288  
of work involves expenses substantially greater than that required 289  
for the individual's former work, unless the expense is provided 290  
for. 291

(4) The remuneration, hours, or other conditions of the work 292  
offered are substantially less favorable to the individual than 293  
those prevailing for similar work in the locality. 294

(F) Subject to the special exceptions contained in division 295  
(A)(4)~~(f)~~(g) of this section and section 4141.301 of the Revised 296  
Code, in determining whether any work is suitable for a claimant 297  
in the administration of this chapter, the director, in addition 298  
to the determination required under division (E) of this section, 299  
shall consider the degree of risk to the claimant's health, 300  
safety, and morals, the individual's physical fitness for the 301

work, the individual's prior training and experience, the length 302  
of the individual's unemployment, the distance of the available 303  
work from the individual's residence, and the individual's 304  
prospects for obtaining local work. 305

(G) The "duration of unemployment" as used in this section 306  
means the full period of unemployment next ensuing after a 307  
separation from any base period or subsequent work and until an 308  
individual has become reemployed in employment subject to this 309  
chapter, or the unemployment compensation act of another state, or 310  
of the United States, and until such individual has worked six 311  
weeks and for those weeks has earned or been paid remuneration 312  
equal to six times an average weekly wage of not less than: 313  
eighty-five dollars and ten cents per week beginning on June 26, 314  
1990; and beginning on and after January 1, 1992, twenty-seven and 315  
one-half per cent of the statewide average weekly wage as computed 316  
each first day of January under division (B)(3) of section 4141.30 317  
of the Revised Code, rounded down to the nearest dollar, except 318  
for purposes of division (D)(2)(c) of this section, such term 319  
means the full period of unemployment next ensuing after a 320  
separation from such work and until such individual has become 321  
reemployed subject to the terms set forth above, and has earned 322  
wages equal to one-half of the individual's average weekly wage or 323  
sixty dollars, whichever is less. 324

(H) If a claimant is disqualified under division (D)(2)(a), 325  
(c), or (d) of this section or found to be qualified under the 326  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 327  
this section or division (A)(2) of section 4141.291 of the Revised 328  
Code, then benefits that may become payable to such claimant, 329  
which are chargeable to the account of the employer from whom the 330  
individual was separated under such conditions, shall be charged 331  
to the mutualized account provided in section 4141.25 of the 332  
Revised Code, provided that no charge shall be made to the 333

mutualized account for benefits chargeable to a reimbursing 334  
employer, except as provided in division (D)(2) of section 4141.24 335  
of the Revised Code. In the case of a reimbursing employer, the 336  
director shall refund or credit to the account of the reimbursing 337  
employer any over-paid benefits that are recovered under division 338  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 339  
other states, the United States, or Canada that are subject to 340  
agreements and arrangements that are established pursuant to 341  
section 4141.43 of the Revised Code shall be credited or 342  
reimbursed according to the agreements and arrangements to which 343  
the chargeable amounts are subject. 344

(I)(1) Benefits based on service in employment as provided in 345  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 346  
shall be payable in the same amount, on the same terms, and 347  
subject to the same conditions as benefits payable on the basis of 348  
other service subject to this chapter; except that after December 349  
31, 1977: 350

(a) Benefits based on service in an instructional, research, 351  
or principal administrative capacity in an institution of higher 352  
education, as defined in division (Y) of section 4141.01 of the 353  
Revised Code; or for an educational institution as defined in 354  
division (CC) of section 4141.01 of the Revised Code, shall not be 355  
paid to any individual for any week of unemployment that begins 356  
during the period between two successive academic years or terms, 357  
or during a similar period between two regular but not successive 358  
terms or during a period of paid sabbatical leave provided for in 359  
the individual's contract, if the individual performs such 360  
services in the first of those academic years or terms and has a 361  
contract or a reasonable assurance that the individual will 362  
perform services in any such capacity for any such institution in 363  
the second of those academic years or terms. 364

(b) Benefits based on service for an educational institution 365

or an institution of higher education in other than an 366  
instructional, research, or principal administrative capacity, 367  
shall not be paid to any individual for any week of unemployment 368  
which begins during the period between two successive academic 369  
years or terms of the employing educational institution or 370  
institution of higher education, provided the individual performed 371  
those services for the educational institution or institution of 372  
higher education during the first such academic year or term and, 373  
there is a reasonable assurance that such individual will perform 374  
those services for any educational institution or institution of 375  
higher education in the second of such academic years or terms. 376

If compensation is denied to any individual for any week 377  
under division (I)(1)(b) of this section and the individual was 378  
not offered an opportunity to perform those services for an 379  
institution of higher education or for an educational institution 380  
for the second of such academic years or terms, the individual is 381  
entitled to a retroactive payment of compensation for each week 382  
for which the individual timely filed a claim for compensation and 383  
for which compensation was denied solely by reason of division 384  
(I)(1)(b) of this section. An application for retroactive benefits 385  
shall be timely filed if received by the director or the 386  
director's deputy within or prior to the end of the fourth full 387  
calendar week after the end of the period for which benefits were 388  
denied because of reasonable assurance of employment. The 389  
provision for the payment of retroactive benefits under division 390  
(I)(1)(b) of this section is applicable to weeks of unemployment 391  
beginning on and after November 18, 1983. The provisions under 392  
division (I)(1)(b) of this section shall be retroactive to 393  
September 5, 1982, only if, as a condition for full tax credit 394  
against the tax imposed by the "Federal Unemployment Tax Act," 53 395  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 396  
secretary of labor determines that retroactivity is required by 397  
federal law. 398

(c) With respect to weeks of unemployment beginning after 399  
December 31, 1977, benefits shall be denied to any individual for 400  
any week which commences during an established and customary 401  
vacation period or holiday recess, if the individual performs any 402  
services described in divisions (I)(1)(a) and (b) of this section 403  
in the period immediately before the vacation period or holiday 404  
recess, and there is a reasonable assurance that the individual 405  
will perform any such services in the period immediately following 406  
the vacation period or holiday recess. 407

(d) With respect to any services described in division 408  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 409  
basis of services in any such capacity shall be denied as 410  
specified in division (I)(1)(a), (b), or (c) of this section to 411  
any individual who performs such services in an educational 412  
institution or institution of higher education while in the employ 413  
of an educational service agency. For this purpose, the term 414  
"educational service agency" means a governmental agency or 415  
governmental entity that is established and operated exclusively 416  
for the purpose of providing services to one or more educational 417  
institutions or one or more institutions of higher education. 418

(e) Any individual employed by a county board of 419  
developmental disabilities shall be notified by the thirtieth day 420  
of April each year if the individual is not to be reemployed the 421  
following academic year. 422

(f) Any individual employed by a school district, other than 423  
a municipal school district as defined in section 3311.71 of the 424  
Revised Code, shall be notified by the first day of June each year 425  
if the individual is not to be reemployed the following academic 426  
year. 427

(2) No disqualification will be imposed, between academic 428  
years or terms or during a vacation period or holiday recess under 429  
this division, unless the director or the director's deputy has 430

received a statement in writing from the educational institution 431  
or institution of higher education that the claimant has a 432  
contract for, or a reasonable assurance of, reemployment for the 433  
ensuing academic year or term. 434

(3) If an individual has employment with an educational 435  
institution or an institution of higher education and employment 436  
with a noneducational employer, during the base period of the 437  
individual's benefit year, then the individual may become eligible 438  
for benefits during the between-term, or vacation or holiday 439  
recess, disqualification period, based on employment performed for 440  
the noneducational employer, provided that the employment is 441  
sufficient to qualify the individual for benefit rights separately 442  
from the benefit rights based on school employment. The weekly 443  
benefit amount and maximum benefits payable during a 444  
disqualification period shall be computed based solely on the 445  
nonschool employment. 446

(J) Benefits shall not be paid on the basis of employment 447  
performed by an alien, unless the alien had been lawfully admitted 448  
to the United States for permanent residence at the time the 449  
services were performed, was lawfully present for purposes of 450  
performing the services, or was otherwise permanently residing in 451  
the United States under color of law at the time the services were 452  
performed, under section 212(d)(5) of the "Immigration and 453  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 454

(1) Any data or information required of individuals applying 455  
for benefits to determine whether benefits are not payable to them 456  
because of their alien status shall be uniformly required from all 457  
applicants for benefits. 458

(2) In the case of an individual whose application for 459  
benefits would otherwise be approved, no determination that 460  
benefits to the individual are not payable because of the 461  
individual's alien status shall be made except upon a 462

preponderance of the evidence that the individual had not, in 463  
fact, been lawfully admitted to the United States. 464

(K) The director shall establish and utilize a system of 465  
profiling all new claimants under this chapter that: 466

(1) Identifies which claimants will be likely to exhaust 467  
regular compensation and will need job search assistance services 468  
to make a successful transition to new employment; 469

(2) Refers claimants identified pursuant to division (K)(1) 470  
of this section to reemployment services, such as job search 471  
assistance services, available under any state or federal law; 472

(3) Collects follow-up information relating to the services 473  
received by such claimants and the employment outcomes for such 474  
claimant's subsequent to receiving such services and utilizes such 475  
information in making identifications pursuant to division (K)(1) 476  
of this section; and 477

(4) Meets such other requirements as the United States 478  
secretary of labor determines are appropriate. 479

**Section 2.** That existing section 4141.29 of the Revised Code 480  
is hereby repealed. 481

**Section 3.** Section 4141.29 of the Revised Code is presented 482  
in this act as a composite of the section as amended by both Sub. 483  
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. The 484  
General Assembly, applying the principle stated in division (B) of 485  
section 1.52 of the Revised Code that amendments are to be 486  
harmonized if reasonably capable of simultaneous operation, finds 487  
that the composite is the resulting version of the section in 488  
effect prior to the effective date of the section as presented in 489  
this act. 490